DOCUMENT RESUME

ED 453 323 UD 034 198

TITLE	The General Duty To Promote Racial Equality: Guidance for Public Authorities on Their Obligations under the Race Relations (Amendment) Act 2000.
INSTITUTION	Commission for Racial Equality, London (England).
PUB DATE	2001-04-00
NOTE	32p.
AVAILABLE FROM	Commission for Racial Equality, Elliot House, 10-12 Allington Street, London SW1E 5EH, England, United Kingdom. Tel: 020-7828-7022; Web site: http://www.cre.gov.uk.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Elementary Secondary Education; Equal Education; Equal Opportunities (Jobs); Federal Government; Federal Legislation; Foreign Countries; Legal Responsibility; *Public Officials; *Racial Discrimination; *Racial Relations; State Government
IDENTIFIERS	*Race Relations Act 1976 (Great Britain); United Kingdom

ABSTRACT

This publication helps British public authorities understand the implications of the Race Relations (Amendment) Act 2000 and comply with their new general duty to promote racial equality, pending introduction by the Commission for Racial Equality (CRE) of statutory codes of practice in late 2001. Section 1, "Racial Discrimination," discusses what racial discrimination is, when it is unlawful, who is liable for racially discriminatory acts, and whether there is a right of redress against racial discrimination. Section 2, "The General Duty to Promote Racial Equality," examines what the general duty is, to which public authorities it applies, and what it means in practice. Section 3, "Complying with the General Duty," discusses steps public authorities should take to comply with the general duty, whether the general duty applies to private or voluntary organizations carrying out a public authority's functions, how the general duty will affect a public authority's participation in partnerships, how positive action can be used to comply with the general duty, and whether the general duty is enforceable. Section 4, "Specific Duties, Codes of Practice and Enforcement," discusses what specific duties are, what the CRE codes of practice will cover, and whether the specific duties are enforceable. Appendixes include a detailed list of public authorities subject to the general duty and authorities proposed for addition in the future. (SM)

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ED 453 323

THE GENERAL DUTY TO PROMOTE RACIAL EQUALITY

Guidance for public authorities on their obligations under the Race Relations (Amendment) Act 2000

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COMMISSION FOR RACIAL EQUALITY

April 2001

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INTRODUCTION

The Race Relations (Amendment) Act 2000 (the 2000 Act) came into force on 2 April 2001. The new Act amends the Race Relations Act 1976 (the 1976 Act) and strengthens its application to public authorities in several important ways:

- it extends the scope of the 1976 Act to cover areas that were previously excluded, and makes it unlawful for public authorities to discriminate on racial grounds in carrying out any of their functions
- it places a general statutory duty on a wide range of public authorities (see Appendix 1) to promote racial equality and prevent racial discrimination
- it gives the Home Secretary the power to make Orders imposing specific duties on all or some public authorities bound by the general duty – Scottish Ministers can impose specific duties on devolved authorities; these specific duties will be enforceable by the Commission for Racial Equality (CRE), serving compliance notices, backed up by court orders, if necessary
- it gives the CRE powers to issue statutory codes of practice, providing practical guidance to public authorities on how to fulfil both their general and specific duties to promote racial equality.

This booklet is not an authoritative statement of the law. It has been produced to help public authorities understand the implications of the 2000 Act for them and, in particular, to help them to comply with thei w general duty to promote racial equality, pending the introduct.... by the CRE of statutory codes of practice toward the end of 2001.

As the general duty is best understood within the context of race relations legislation as a whole, this guidance includes a summary of the main provisions of the 1976 Act, as amended by the 2000 Act. It also includes some information on the specific duties (subject to Home Office consultation until 15 May 2001) and the statutory CRE codes of practice.

Both the 2000 Act and the 1976 Act can be downloaded from the Home Office website: www.homeoffice.gov.uk/raceact/welcome.htm

Background

The 1976 Act remains the basic law in Great Britain that defines and outlaws racial discrimination, and that gives individuals the right to seek legal redress for acts of racial discrimination. The 1976 Act also established the CRE, with powers to investigate and take enforcement action.

The *Stephen Lawrence Inquiry Report*, published in February 1999, has been a catalyst for much needed change. While the Inquiry was concerned primarily with policing, the report made it clear that few institutions in Britain had room for complacency.

The report put forward a definition of 'institutional racism'* that could be applied to any institution, and recommended that:

> it is incumbent upon every institution to examine their policies and the outcome of their policies and practices to guard against disadvantaging any section of our communities [*Stephen Lawrence Inquiry Report*, para 46.27].

Some public authorities have responded positively to the report's recommendation, or to other government or departmental initiatives, voluntarily auditing their functions and adopting measures to promote racial equality. Disappointingly, however, the majority have taken little or no action.

The new positive duty on public authorities to promote racial equality gives statutory force to the Lawrence Inquiry's recommendation; it makes compulsory what voluntary measures have been unable fully to achieve. Compliance with this duty will make public authorities more effective, efficient, transparent and accountable and will help them to win the confidence and cooperation of the public they exist to serve, and on whom they depend for support.

* The inquiry defined 'institutional racism' as 'the collective failure of an organisation to provide and appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people' [para 6.34].

1. RACIAL DISCRIMINATION

What is racial discrimination?

Racial discrimination may be either direct or indirect.

- ***Direct discrimination*** occurs when a person (including a company or a public authority), on racial grounds, treats someone less favourably than others in similar circumstances. Racial grounds are grounds of colour, race, nationality (including citizenship) or ethnic or national origin.

  Examples

  - refusing to serve Asian clients
  - ignoring racial harassment of tenants or employees
  - requiring only black patients to produce their passports before they can receive hospital treatment
  - assuming that all black prisoners are aggressive and therefore subjecting them to harsher discipline than white prisoners.

- ***Indirect discrimination*** occurs when a condition or requirement which is applied equally to everyone can be met by a considerably smaller proportion of people from a particular racial group, and it is to their disadvantage because they cannot comply with it. The condition or requirement will be unlawful unless it can be justified on non-racial grounds. Under the Act, a racial group is a group of people defined in terms of colour, race, nationality (including citizenship) or ethnic or national origin.

  Example
  The catchment area for a popular school where nearly all the pupils are white is drawn so that it excludes an estate with a high proportion of ethnic minority families, as well as a nearby road where there is a hostel for asylum seekers. The line on the local map is, of course, race neutral, but its impact is to deny many ethnic minority children entry to the school, and without a non-racial justification it will be unlawful.

Victimisation occurs when a person is treated less favourably than others for having made, or supported, a complaint of racial discrimination.

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When is racial discrimination unlawful?

The 1976 Act makes it unlawful to discriminate on racial grounds in employment and training, in housing and education and in the provision of goods, facilities or services. It applies to all sectors: public, private and voluntary.

Section 1 of the 2000 Act adds a new section, 19B, to the 1976 Act, outlawing racial discrimination in public authority functions that were not covered by the original Act, such as:

- use by the police of stop and search powers
- collection of taxes
- regulation of street trading
- investigation of benefit fraud
- inspections of residential care homes
- detention of mentally ill patients.

Under section 19B, a 'public authority' is defined to include 'any person certain of whose functions are functions of a public nature'. This means that if public functions included under section 19B are carried out by a private or voluntary organisation, for example under a contract or a service level agreement, it is also unlawful for that organisation to discriminate on racial grounds when carrying out those functions.

Example

A private security firm has a contract with the Home Office to escort remand prisoners to and from courts. When it is escorting prisoners, the firm is a 'public authority', performing a public function, and will be liable for any racial discrimination that occurs in doing so.

Who is liable for acts of racial discrimination?

The 1976 Act (section 32) makes employers, in both the public and private sectors, vicariously liable for acts of unlawful discrimination by their employees, even if the employers did not approve, or even know about, the acts in question. Since 2 April 2001, this includes chief officers of police, who will be vicariously liable for all acts of discrimination by constables under their control.

Employers will not be liable, however, if they can prove that they took 'such steps as were reasonably practicable' to prevent the discrimination (section 32(3)), such as following the CRE's existing

statutory codes of practice in employment and housing, or adopting the CRE's published standards for racial equality in employment, local government and schools (see Appendix 3).

Is there a right of redress against racial discrimination?

Anyone who believes they have suffered racial discrimination through the acts or omissions of a public authority, or a private or voluntary organisation, can bring proceedings under the 1976 Act. Most complaints will be heard either in employment tribunals or county or sheriff courts.

The CRE has power under the amended 1976 Act to conduct formal investigations into any functions of public authorities. This power will continue to apply in relation to private and voluntary organisations.

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2. THE GENERAL DUTY TO PROMOTE RACIAL EQUALITY

What is the general duty?

The general duty placed on public authorities is set out in section 71(1) of the amended Act:

> *Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need –*
>
> *(a) to eliminate unlawful racial discrimination; and*
>
> *(b) to promote equality of opportunity and good relations between persons of different racial groups.*

To whom does the general duty apply?

Schedule 1A to the amended Race Relations Act lists the public authorities to which the general duty will apply. The list currently includes the larger public authorities (see Appendix 1). The Home Secretary can add or delete authorities by Order and has already proposed certain additions (see Appendix 2).

Responsibility for complying with the duty rests with the authority or body listed in the Schedule; for example the members of a local authority, a school governing body or a health authority or board.

The general duty applies only to the public authorities listed in the Schedule, and they remain responsible for complying with it, even if they have contracted out some of their functions to private or voluntary organisations (see p 14).

What does the general duty mean in practice?

The aim of the general duty is to 'mainstream' the elimination of discrimination and the promotion of equality of opportunity and good race relations, by making these an integral part of the way public functions are carried out. It is not a weighty new burden, just a better and more effective way of doing what an authority already does.

'to have due regard'

By phrasing the general duty in this way, parliament has made it clear that public authorities do not have the option to decide whether they

will do anything about discrimination and racial equality. Each public authority should therefore assess where, and how, racial equality is relevant – or potentially relevant – to the way they carry out their various functions. And racial equality will have some, often considerable, relevance for most public functions.

To have 'due regard' means that the weight given to racial equality should be proportionate to its relevance. So, for example, a local authority may decide that racial equality is more important in social services provision than in highway maintenance. In some instances, where racial equality has no direct relevance to a public authority's more technical functions, such as meteorological research or weather forecasting or air traffic control, a court may be satisfied that the general duty will not apply to those functions. The general duty may, however, apply to the way in which information about technical matters is provided to the public.

For all public authorities, regardless of their specific functions, racial equality will always be relevant to all aspects of employment – recruitment, selection, training, promotion, discipline and dismissal. To comply with the general duty, therefore, all authorities should 'equality proof' their employment policies, procedures and practice, and take all necessary steps to prevent discrimination.

'the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups'

All listed public authorities must take these issues into account. In practice, the three parts of this requirement will frequently overlap, depending on the nature of the function: promoting equality of opportunity may also eliminate racial discrimination and promote good race relations.

If one measure does not fulfil all three parts of this requirement, separate measures may be required to satisfy each part.

Examples

- Providing positive action training for a group that is underrepresented in an authority (see p 16) may promote equality of opportunity, but it would not tackle possible discrimination in the authority's recruitment procedures.
- A local authority which failed to take account of information about recent racist incidents on a council estate before allocating accommodation there to an ethnic minority family would be failing to comply with the requirement in the general duty to promote good race relations.

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3. COMPLYING WITH THE GENERAL DUTY

What steps should public authorities take to comply with the general duty?

Public authorities will be responsible for ensuring that the general duty is an integral part of any function where racial equality is relevant. The authority will have to define its functions and then assess the impact on racial equality of what it is currently doing and what it is proposing to do. Where current or proposed policies conflict with the elimination of racial discrimination or the promotion of racial equality and good race relations, a public authority will be expected to consider the changes needed to comply with the general duty, and then make those changes.

Detailed guidance can be found in the CRE's standards for employers, local authorities and schools (see Appendix 3). Posing questions along the lines suggested below should help the authority to identify the measures it needs to take.

1. Which of our functions are covered by the requirements of the general duty?

   To answer this, you could, if you have not already:

   a. make a list of all your statutory powers and duties under the relevant legislation

   b. identify those functions which involve the public, or have consequences for them

   c. obtain data on the relevant population, classified by ethnic group, for each function

   d. identify the users, or potential users, of the facilities and services you provide, by ethnic group, and ask whether any of them have particular needs or different priorities

   e. prioritise your functions in order of their impact, or potential impact, on ethnic minorities.

2. How should we measure the impact on racial equality of our policies and procedures, and how they work in practice?

   To answer this, you could, if you have not already:

   a. starting with the functions you have prioritised (see 1e above), draw up a list of the aims and objectives of the policies you have adopted for each function

   b. check whether the policies affect all ethnic groups equally; look for any significant disparities between the population data for different ethnic groups and the data on people affected by each policy

   c. establish the reasons for any disparities

   d. set up ethnic monitoring systems, so that you can regularly review the impact on racial equality of the policies you have drawn up for each of your functions – and any changes you make to them.

3. How can we assess the impact on racial equality of policies we are proposing to introduce?

   To answer this, you could, if you have not already:

   a. be clear about the aims and objectives behind each proposal

   b. be clear about the groups that are intended to benefit from, or will be affected by, the proposal; for example, changing patterns of police patrols might better meet the needs of one group, while leaving another feeling unprotected

   c. refer to the findings of recent surveys or research by your authority (and others), and check through past complaints and litigation

   d. consult the people who will be affected by your policy – make sure any information you provide is in an accessible form; and use various consultation methods, such as surveys, focus groups, and local meetings.

4. How can we mainstream racial equality into our functions?

   To answer this, you could, if you have not already:

   a. starting with the functions you have prioritised (see 1e), and using the methods suggested in 2 and 3 above, review all your policies, procedures and practices – current and proposed – for each function, to see whether they comply with the general duty to promote racial equality and good race relations

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b. identify the different needs of each ethnic group in the relevant population, for each function, and the best ways of meeting these, including positive action measures (see p 16)

c. consider the changes you will need to make to the policies, procedures or practices you have adopted for each function to ensure that it complies with the general duty (see Appendix 3 for other CRE guidance)

d. identify possible obstacles to the changes you are planning to make to your policies or procedures, and consider ways of tackling them; it may help to consult further

e. implement the changes you have identified, including changes to staff management, training, appraisals and discipline, and ensure that everyone concerned with the relevant policies knows what changes have been made, and is able to put the new policies into practice.

5. How can we build racial equality into all aspects of employment in the authority?

To answer this, you could, if you have not already:

a. carry out an audit of all your employees, by grade, type of contract, pay and other benefits, and by ethnic group

b. compare the workforce data with data on the population from which you normally recruit, and look for any significant disparities between ethnic groups

c check for disparities in the success rates of applicants, internal and external, from different ethnic groups at all stages of the recruitment process

d. identify possible barriers to equality of opportunity, and consider how they might be removed (see Appendix 3 for other CRE guidance that might be useful)

e. revise any policy or practice that puts employees or prospective employees from ethnic minorities at a disadvantage

f. consider using positive action measures to address underrepresentation of people from particular ethnic groups (see p 16)

g. review staff management, training, appraisal and discipline, and ensure that any changes you make to your recruitment and selection policies, procedures and practice are understood and implemented throughout the organisation.

Does the general duty apply to private or voluntary organisations carrying out a public authority's functions?

The general duty applies only to public authorities listed in Schedule 1A to the 2000 Act; it does not apply to private and voluntary organisations. However, the general duty does apply to the arrangements that a listed public authority makes for its functions to be carried out by a private or voluntary organisation. The authority should therefore give careful thought to the question of how it is complying with the general duty when it is discharging its functions through others.

The general duty does not override other laws or regulations affecting public procurement. Public authorities listed in Schedule 1A will be expected, within the existing laws, to avoid discrimination and to take appropriate measures to promote racial equality in setting criteria and deciding who should be awarded contracts or grants.

If racial equality considerations are relevant to the functions that are being contracted out, then, as a general rule, it would be appropriate to incorporate non-discrimination and/or racial equality performance standards as obligations under the contract. If such terms are included, the contract should also provide for effective monitoring and enforcement.

How will the general duty affect a public authority's participation in partnerships?

Increasingly, public authorities are encouraged or required to collaborate with other public, private or voluntary sector organisations; for example in social inclusion partnerships, local economic forums, youth offending teams, health action zones and regeneration partnerships.

The general duty applies to the way a public authority listed in Schedule 1A carries out its functions within the partnership. In partnerships where other members of the partnership are also listed public authorities, the general duty will then apply fully to all deliberations, decisions and action by the partnership.

In partnerships where other members are private or voluntary organisations, the listed public authority should ensure that, where relevant, the activities of the partnership comply with the general duty.

How can positive action be used to comply with the general duty?

The 1976 Act permits certain types of 'positive action', as described below. Public authorities should consider how they might use these to promote racial equality.

Measures to meet the special needs of a particular racial group (section 35)

It is lawful to make facilities or services available to people from a particular racial group in order to meet their education, training or welfare needs.

Examples

- an outreach scheme to encourage isolated ethnic minority communities to take up benefits
- interpretation services
- English language classes for refugees
- mobile health services for Travellers or Gypsies.

Training and encouragement to tackle under-representation in employment (sections 37 and 38)

It is lawful to provide training for particular racial groups that are under-represented in certain types of work. The Act also allows employers and others to encourage applications for such jobs from under-represented racial groups. It remains unlawful, however, to discriminate in selecting people for the jobs; therefore, to apply a quota or to reserve jobs for under-represented racial groups is unlawful and must not to be confused with lawful positive action measures.

All schemes set up under sections 35, 37 or 38 must be regularly reviewed; if the special needs have been met, or the under-representation no longer exists, positive action may cease to be lawful.

Is the general duty enforceable?

Enforcement by the CRE and the courts

An individual or an organisation, including the CRE, may be able to apply to the High Court for a judicial review of a public authority's alleged failure to comply with its general duty.

The CRE's powers of enforcement apply to the specific duties that the Home Secretary and Scottish Ministers impose (see p 18).

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Audits and inspections

Agencies responsible for auditing or inspecting public authorities will be expected to include compliance with the general duty as one of the matters they will examine and report on. As these agencies – such as OFSTED, Audit Scotland, Her Majesty's Inspectorate of Constabulary and the Social Services Inspectorate – are themselves subject to the general duty, they should be building racial equality measures into their audit or inspection procedures, or strengthening and making more explicit those they already have.

4. SPECIFIC DUTIES, CODES OF PRACTICE AND ENFORCEMENT

What are specific duties?

The 2000 Act (section 71(2)–(3)) empowers the Home Secretary (or, in the case of devolved Scottish authorities, the Scottish Ministers) to impose, by Order, specific duties on all or some of the public authorities listed in Schedule 1A, 'for the purpose of ensuring the better performance of the general duty'. Authorities will therefore want to ensure that any procedures introduced after 2 April 2001 in order to comply with the general duty also take account of the specific duties likely to be imposed on them. The Home Office consultation document, *Race Relations (Amendment) Act 2000: New laws for a successful multi-racial Britain*, published in February 2001, sets out the specific duties that are proposed for different types of public authorities, and indicates July 2001 as the likely date when Orders imposing specific duties will be made.

What will the CRE codes of practice cover?

The CRE codes of practice will offer practical guidance to public authorities to help them to comply with both the general duty and any specific duties imposed by the Home Secretary or Scottish Ministers. At the time of writing, the CRE is proposing to issue five specific codes of practice – for local authorities, NHS authorities and trusts, educational bodies, police authorities and chief officers of police and central government departments – and a generic code for other public authorities. The CRE will issue equivalent codes in Scotland. Failure to follow a code will not in itself be ground for legal action, but the code will be admissible in evidence if it is relevant to a case that is before a court or tribunal.

Are the specific duties enforceable?

Enforcement by the CRE and the courts

The CRE has the power to enforce the specific duties imposed on listed public authorities once they have come into force (section 71D).

Under the 2000 Act, if the CRE is satisfied that a public authority has failed to comply with any of its specific duties, it may serve a

'compliance notice'. This notice will require the authority to comply with its specific duties, and to inform the CRE within 28 days of the measures it has taken; the CRE can also require the authority to provide written information verifying compliance.

If, after three months, the authority has not complied with the CRE's notice, the CRE can ask the county court or sheriff court to order the authority to comply.

Individual complaints

Individuals do not have the right to take legal action against a public authority because it has not fulfilled its specific duties. However, individuals, community organisations, trade unions and others should notify the CRE if they are concerned that a public authority has failed to comply with its specific duties. The CRE would consider how its enforcement powers could be used.

APPENDIX 1. PUBLIC AUTHORITIES SUBJECT TO THE GENERAL DUTY, AS LISTED IN SCHEDULE 1A TO THE AMENDED RACE RELATIONS ACT

Ministers of the Crown and government departments

1. – (1) A Minister of the Crown or government department.

(2) Sub-paragraph (1) does not include the Security Service, the Intelligence Service or the Government Communications Headquarters.

Scottish Administration

2. – (1) An office-holder in the Scottish Administration within the meaning given by section 126(7)(a) of the Scotland Act 1998.

(2) Members of the staff of the Scottish Administration within the meaning given by section 126(7)(b) of that Act.

National Assembly for Wales

3. – (1) The National Assembly for Wales.

(2) An Assembly subsidiary as defined by section 99(4) of the Government of Wales Act 1998.

Armed forces

4. Any of the naval, military or air forces of the Crown.

National Health Service: England and Wales

5. A Health Authority established under section 8 of the National Health Service Act 1977.

6. A special health authority established under section 11 of that Act.

7. A primary care trust established under section 16A of that Act.

8. A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990.

National Health Service: Scotland

9. A Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.

10. A Special Health Board constituted under section 2 of that Act.

11. A National Health Service Trust established under section 12A of that Act.

Local government

12. A local authority within the meaning of the Local Government Act 1972, namely (a) in England, a county council, a London borough council, a district council or a parish council; (b) in Wales, a county council, a county borough council or a community council.

13. A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

14. A community council established under section 51 of the Local Government (Scotland) Act 1973.

15. The Greater London Authority.

16. The Common Council of the City of London in its capacity as a local authority or port health authority.

17. The Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in his capacity as a local authority.

18. The Council of the Isles of Scilly.

19. A parish meeting constituted under section 13 of the Local Government Act 1972.

20. Any charter trustees constituted under section 246 of that Act.

21. A fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947.

22. A waste disposal authority established by virtue of an order under section 10(1) of the Local Government Act 1985.

23. A water or sewerage authority constituted under section 62 of the Local Government etc. (Scotland) Act 1994.

24. A port health authority constituted by an order under section 2 of the Public Health (Control of Disease) Act 1984.

25. A licensing planning committee constituted under section 119 of the Licensing Act 1964.

26. A licensing board constituted under section 1 of the Licensing (Scotland) Act 1976.

27. An internal drainage board which is continued in being by virtue of section 1 of the Land Drainage Act 1991.

28. A probation committee constituted under section 3 of the Probation Service Act 1993.

29. A joint authority established under Part IV of the Local Government Act 1985 (fire services, civil defence and transport).

30. A joint board within the meaning of section 235(1) of the Local Government (Scotland) Act 1973.

31. The London Fire and Emergency Planning Authority.

32. A body corporate established pursuant to an order under section 67 of the Local Government Act 1985 (transfer of functions to successors of residuary bodies, etc.).

33. A body corporate established pursuant to an order under section 22 of the Local Government Act 1992 (residuary bodies).

34. The Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988.

35. A joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972.

36. A joint board which is continued in being by virtue of section 263(1) of that Act.

37. A joint authority established under section 21 of the Local Government Act 1992.

38. A Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968.

39. Transport for London.

40. The London Development Agency.

41. A regional development agency established under the Regional Development Agencies Act 1998 (other than the London Development Agency).

42. Scottish Enterprise and Highland and Islands Enterprise, established under the Enterprise and New Towns (Scotland) Act 1990.

43. A National Park authority established by an order under section 63 of the Environment Act 1995.

44. A joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the Town and Country Planning Act 1990.

45. A magistrates' courts committee established under section 27 of the Justices of the Peace Act 1997.

Other educational bodies

46. Governing bodies of –
(a) educational establishments maintained by local education authorities;
(b) institutions within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992);
(c) institutions within the higher education sector (within the meaning of section 91(5) of the Act of 1992).

47. The managers of a grant-aided school (within the meaning of section 135 of the Education (Scotland) Act 1980).

48. The managers of a central institution (within the meaning of section 135 of the Act of 1980).

49. The board of management of a self-governing school (within the meaning of the Self-Governing Schools etc. (Scotland) Act 1989).

50. The board of management of a college of further education (within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992).

51. The governing body of an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992).

Other housing bodies

52. The Housing Corporation.

53. Scottish Homes.

54. A housing action trust established under Part III of the Housing Act 1988.

Police

55. A police authority established under section 3 of the Police Act 1996.

56. A police authority established under section 2 of the Police (Scotland) Act 1967.

57. The Metropolitan Police Authority established under section 5B of the Police Act 1996.

58. The Common Council of the City of London in its capacity as a police authority.

59. The Service Authority for the National Criminal Intelligence Service.

60. The Service Authority for the National Crime Squad.

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APPENDIX 2: PUBLIC AUTHORITIES PROPOSED FOR ADDITION TO SCHEDULE 1A*

National Audit Office

Audit Scotland

Cabinet Office

Political Honours Scrutiny Committee

Department for Culture, Media and Sport

Theatres Trust

Treasure Valuation Committee

Museum of Science and Industry in Manchester

Horniman Museum

Geffrye Museum

Commission for Architecture and the Built Environment

Resource – The Council for Museums, Archives and Libraries

The Film Council

British Library

Historic Buildings and Monuments Commission for England

British Museum

Victoria and Albert Museum

Natural History Museum

National Museums and Galleries on Merseyside

Tate Gallery

Historic Royal Palaces

Sport England (English Sports Council)

National Gallery

National Maritime Museum

Imperial War Museum

British Tourist Authority

Museum of London

National Lottery Charities Board

Arts Council of England

National Heritage Memorial Fund

National Portrait Gallery

Royal Armouries

Millennium Commission

Wallace Collection

English Tourist Board

New Opportunities Fund

UK Sports Council

Broadcasting Standards Commission, in respect of its public functions

Royal Commission on Historical Manuscripts

Sir John Soane's Museum

Registrar of Public Lending Right

National Endowment for Science, Technology and the Arts

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* As published at Appendix 5 of the Home Office consultation document, *Race Relations (Amendment) Act 2000: New laws for a successful Multi-Racial Britain: Proposals for Implementation*.

National Museum of Science and Industry

British Broadcasting Corporation, in respect of its public functions

Channel Four Television Corporation in respect of its public functions

Independent Television Commission in respect of its public functions

Sianal Pedwar Cymru (Welsh Fourth Channel Authority) in respect of its public functions

Radio Authority in respect of its public functions

Department of the Environment, Transport and the Regions

Advisory Committee on Releases to the Environment

Building Regulations Advisory Committee

Disabled Persons Transport Advisory Committee

Inland Waterways Amenity Advisory Council

National Forest Company

National Air Traffic Services Limited

Environment Agency

The Health and Safety Executive

Audit Commission for Local Authorities for England and Wales

Nature Conservancy Council for England

Trinity House Lighthouse Service

Urban Regeneration Agency

Northern Lighthouse Board

Local Government Commission for England

Health and Safety Commission

Commission for the New Towns

Civil Aviation Authority – in respect of its public functions

British Standards Institute

The Institution of Civil Engineers

The Institution of Electrical Engineers

British Waterways Board

British Transport Police

Strategic Rail Authority

Department for Education and Employment

School Teachers' Review Body

Student Loans Company

British Educational Communication and Technology Agency

Construction Industry Training Board

Qualifications and Curriculum Authority

Equal Opportunities Commission

Teacher's Training Agency

Disability Rights Commission

Engineering Construction Industry Training Board

Investors in People UK

Learning and Skills Council

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Department for International Development

Overseas Service Pensions Scheme Advisory Board

Commonwealth Scholarship Commission in the UK

Department of Health

British Pharmacopoeia Commission

Standing Nursing and Midwifery Advisory Committee

Unrelated Live Transplant Regulatory Authority

Committee on the Safety of Medicines

Standing Medical Advisory Committee

Medicines Commission

Administration of Radioactive Substances Advisory Committee

Advisory Board on the Registration of Homeopathic Products

Joint Committee on Vaccination and Immunisation

Standing Dental Advisory Committee

Standing Pharmaceutical Advisory Committee

Public Health Laboratory Service Board

National Radiological Protection Board

National Biological Standards Board

Commission for Health Improvement

English National Board for Nursing, Midwifery and Health Visiting

Human Fertilisation and Embryology Authority

Dental Practice Board

Royal Pharmaceutical Society of Great Britain in respect of its statutory functions and the regulation of the pharmacy profession

General Medical Council

United Kingdom Central Council for Nursing, Midwifery and Health Visitors in respect of its public functions

General Dental Council

Council for Professions Supplementary to Medicine in respect of its public functions

General Optical Council

General Osteopathic Council

General Chiropractic Council

Specialist Training Authority of the Medical Royal Colleges

The Association of Child Psychotherapy

The British Medical Association

The Joint Committee on Postgraduate Training for General Practice

The Royal College of Nursing

The Royal College of Psychiatrists

Department of Social Security

Social Security Advisory Committee

Industrial Injuries Advisory Council

Central Advisory Committee on War Pensions

Disability Living Allowance Advisory Board

War Pensions Committees

Department of Trade and Industry

Low Pay Commission

Industrial Development Advisory Board

National Consumer Council

Medical Research Council

Biotechnology and Biological Sciences Research Council

Natural Environment Research Council

UK Atomic Energy Authority in respect of its public functions

Council for the Central Laboratory of the Research Councils

Advisory, Conciliation & Arbitration Services (ACAS)

Engineering & Physical Sciences Research Council

Particle Physics & Astronomy Research Council

Gas Consumers' Council

Coal Authority

Economic & Social Research Council

Competition Commission

Design Council

Post Office Users' National Council

British Hallmarking Council

Post Office in respect of public its functions

British Nuclear Fuels plc in respect of its public functions

The Association of Authorised Public Accountants

The Association of Certified Chartered Accountants

The Engineering Council

The Insolvency Practitioners Association

The Institute of Chartered Accountants in England and Wales

The Institute of Chartered Accountants of Scotland

The Institute of Trade Mark Agents

The Law Society

Foreign and Commonwealth Office

Government Hospitality Fund Advisory Committee for the Purchase of Wine

Wilton Park Academic Council

Westminster Foundation for Democracy

British Association for Central & Eastern Europe

British-Russia Centre

Great Britain-China Centre

British Council

Marshall Aid Commemoration Commission

Food Standards Agency

Advisory Committee on Novel Foods and Processes

Advisory Committee on the Microbiological Safety of Foods

Expert Group on Vitamins and Minerals

Food Advisory Committee

Home Office

Chief Officers of Police

Advisory Council on the Misuse of Drugs

Animal Procedures Committee

Sentencing Advisory Panel

Firearms Consultative Committee

Police Negotiating Board

Horserace Totalisator Board (The Tote)

Criminal Injuries Compensation Authority

Police Information Technology Organisation

Commission for Racial Equality

Office of the Information Commissioner

Youth Justice Board for England and Wales

Gaming Board for Great Britain

Police Complaints Authority

Community Development Foundation

Horserace Betting Levy Board

Alcohol Education and Research Council

Board of Visitors to Penal Establishments

Electoral Commission

Fire Service Research and Training Trust

Immigration Detention Centre Visiting Committees

Selection Panel for Independent Members of Police Authorities

Lord Chancellor's Department

Law Commission

Council on Tribunals

Insolvency Rules Committee

Land Registration Rule Committee

Advisory Council on Public Records

Civil Justice Council

Civil Procedure Rule Committee

Crown Court Rule Committee

Family Proceedings Rule Committee

Legal Services Consultative Panel

Legal Services Commission

The Official Solicitor

Her Majesty's Magistrates' Courts Service Inspectorate

Bodies responsible for regulating the provision of legal services (for example the Law Society, the Bar Council, the Institute of Legal Executives, Council for Licensed Conveyancers, the Chartered Institute of Patent Agents and the master of facilities)

Ministry of Agriculture, Fisheries and Food

Hill Farming Advisory Committee for England, Wales and Northern Ireland

Advisory Committee on Pesticides

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Agricultural Dwelling Houses Advisory Committees

Veterinary Products Committee

Wine Standards Board of the Vintners' Company

Meat & Livestock Commission

Royal Botanic Gardens, Kew

Sea Fish Industry Authority

British Potato Council

Home-Grown Cereals Authority

Horticultural Development Council

Milk Development Council

Apple and Pear Research Council

Agricultural Wages Board for England and Wales

Agricultural Wages Committees for England

Food from Britain

Regional Flood Defence Committees

Covent Garden Market Authority

Ministry of Defence

Oil and Pipelines Agency

National Assembly for Wales

Ancient Monuments Board for Wales

Environment Agency Advisory Committee for Wales

Hill Farming Advisory Sub-Committee for Wales

Historic Buildings Council for Wales

Local Government Boundary Commission for Wales

Wales New Deal Advisory Task Force

Welsh Committee for Professional Development of Pharmacists

Welsh Dental Committee

Welsh Industrial Development Advisory Board

Welsh Medical Committee

Welsh Nursing and Midwifery Committee

Welsh Optical Committee

Welsh Pharmaceutical Committee

Welsh Scientific Advisory Committee

Countryside Council for Wales

National Museums and Galleries of Wales

Welsh Development Agency

National Library of Wales

Welsh National Board for Nursing, Midwifery and Health Visiting

Wales Tourist Board

Arts Council of Wales

Qualifications, Curriculum and Assessment Authority for Wales

Higher Education Funding Council for Wales

Royal Commission for Ancient and Historical Monuments of Wales

Welsh Language Board

Agricultural Wages Committee (Wales)

Library and Information Services Council (Wales)

Sports Council for Wales

National Council for Education and Training for Wales

Office of Water Services

OFWAT Customer Service Committee (CSCs)

Scottish Executive

Royal Fine Art Commission for Scotland

Advisory Committee on Sites of Special Scientific Interest

Ancient Monuments Board for Scotland

Building Standards Advisory Committee

Fisheries (Electricity) Committee

General Teaching Council for Scotland

Hill Farming Advisory Committee for Scotland

Historic Buildings Council for Scotland

Local Government Boundary Commission for Scotland

Scottish Industrial Development Advisory Board

Scottish Law Commission

Scottish Records Advisory Council

Scottish Crop Research Institute

Macauley Land Use Research Institute

Rowett Research Institute

Hannah Research Institute

Scottish Screen

Scottish Further Education Unit

Community Learning Scotland

Moredun Research Institute

Scottish Natural Heritage

Scottish Environment Protection Agency

Scottish Qualifications Authority

National Museums of Scotland

Scottish Legal Aid Board

National Library of Scotland

Royal Botanic Garden, Edinburgh

Commissioner for Local Administration in Scotland

Water Industry Commissioner for Scotland

The Law Society of Scotland

Scottish Tourist Board

National Galleries of Scotland

Sportscotland (Scottish Sports Council)

Accounts Commission for Scotland

Scottish Arts Council

Royal Commission on the Ancient and Historical Monuments of Scotland

Scottish Higher Education Funding Council

Crofter's Commission

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Scottish National Board for Nursing, Midwifery and Health Visiting

Deer Commission for Scotland

Scottish Medical Practices Committee

Scottish Conveyancing and Executry Services Board

Scottish Agricultural Wages Board

Scottish Hospital Endowments Research Trust

Caledonian MacBryane Ltd in respect of its public functions

Highlands and Islands Airports Ltd. in respect of its public functions

Scottish Transport Group

Common Services Agency for the NHS in Scotland

State Hospitals Board for Scotland

Health Education Board for Scotland

Mental Welfare Commission for Scotland

Scottish Council for Postgraduate Medical and Dental Education

Scottish Hospital Trust

Scottish Further Education Funding Council

Learning and Teaching Scotland

Scottish Dental Practice Board

Treasury

Financial Services Authority

Bank of England, in respect of its public functions

APPENDIX 3. OTHER CRE GUIDANCE

Code of Practice: For the elimination of racial discrimination and the promotion of equality of opportunity in employment. 1984.

Code of Practice in Rented Housing: For the elimination of racial discrimination and the promotion of equality of opportunity in employment. 1991.

Code of Practice in Non-Rented (Owner-Occupied) Housing: For the elimination of racial discrimination and the promotion of equality of opportunity in employment. 1991.

Racial Equality Means Business: A Standard for racial equality for employers. 1995.

Racial Equality Means Quality: A Standard for racial equality for local government, England and Wales. 1995.

Racial Equality Means Quality: A Standard for racial equality for local government, Scotland. 1995.

Auditing for Equality: Auditing council performance against the Commission for Racial Equality's Standard for local government, 'Racial Equality Means Quality'. 1999.

Learning for All: Standards for racial equality in schools. 2000.

Code of Practice: For the elimination of racial discrimination in education, Scotland. 1989.